

PATENT COOPERATION TREATY

PCT


REC'D 10 JUL 2006

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

CORRECTED
VERSION

Applicant's or agent's file reference 1.090.006 WO	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/NL2005/000223	International filing date (day/month/year) 24.03.2005	Priority date (day/month/year) 25.03.2004
International Patent Classification (IPC) or national classification and IPC INV. A61G5/04 B60K7/00		
Applicant INDES HOLDING B.V. et Al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 11 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 25.01.2006	Date of completion of this report 07.07.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Germano, A Telephone No. +31 70 340-4202	



**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-9 filed with telefax on 25.01.2006

Claims, Numbers

1-15 filed with telefax on 25.01.2006

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees, the applicant has, within the applicable time limit:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest and, where applicable, the protest fee.
 - ☐ paid additional fees under protest but the applicable protest fee was not paid.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. .

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item IV

Lack of unity of invention

1. The application refers to two different inventions and therefore fails to meet the requirements of Rule 13.1 PCT

The two different inventions referred to in the application are:

- a) a wheelchair according to claims 1 to 14, and
- b) a carrying wheel according to claim 15.

- 2.1 According to Rule 13.1 PCT, an International Application may relate only to one invention, or to a group of inventions (generally defined in different independent claims) so linked as to form a single general inventive concept.

In the second case, the concept linking the inventions finds expression in the different independent claims according to the different inventions in terms of the same or corresponding technical special features, wherein the expression "technical special features" means the features which involve an inventive contribution over the prior art, see Rule 13.2 PCT.

- 2.2 In the present case the same or corresponding technical feature of claims 1 and 15 is: "a carrying wheel provided with a wheel motor."

This feature is well known and is disclosed in the available prior art, see for example US-A-5 796 192 or US-A-5 246 082, and therefore is not only not inventive but even not new.

The remaining features of claims 1 and 15, insofar as claim 15 may be understood, are different and have different purposes, and therefore are not "corresponding features" within the meaning of Rule 13.2 PCT

Therefore no inventive concept links the inventions according to claims 1 and 15 and the application does not meet the requirements of Rule 13.1 PCT.

- 2.3 However, in view of Rule 68.1, no extra fees are requested for extending the substantive examination to the two groups of claims cited above.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Document EP-A-528 235, which is considered to represent the most relevant state of the art, discloses (cf. col. 4, line 1 - col 5, line 31 und figs. 1, 5) a wheelchair from which the subject-matter of claim 1 differs in that the stator of the wheel's motor is provided with at least one support element for support on the fixed world (namely on the ground).

The subject-matter of claim 1 is therefore new and meets the requirements of Article 33(2) PCT.

- 1.1 The purpose of the support element is to counterbalance the rotation movement of the stator when the wheel is applied to the frame and avoids the necessity of an adaptor on the frame.

None of the available prior art documents describes the same feature for the same purpose.

Therefore claim 1 involves an inventive step and meets the requirements of Art. 33(3) PCT.

- 1.2 The device described in claim 1 is industrially manufacturable and therefore the claim meets the requirements of Art. 33(4) as well.
2. Claims 2-14 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty, inventive step and industrial applicability.
3. Independent claim 15 refers to a wheel having a stator provided with the same support described in claim 1, see point 1. above. In view of that claim 15 meets the

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requirements of Art. 33(2), (3) and (4) for the same reasons explained above.

Re Item VII

Certain defects in the international application

4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

LANGENHUIJSEN, Bastiaan, Wilhelmus,
Patentwerk B.V.
P.O. Box 1514
NL-5200 BN 's-Hertogenbosch
PAYS-BAS

COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

Date of mailing (day/month/year)	10-07-2006
Applicant's or agent's file reference 1.090.006 WO	REPLY DUE See paragraph 1 below
International application No. PCT/NL2005/000223	International filing date (day/month/year) 24/03/2005
Applicant INDES HOLDING B.V. et Al.	

1. ☐ REPLY DUE within _____, months/days from the above date of mailing
☒ NO REPLY DUE

2. COMMUNICATION:

Please find enclosed a corrected version of the PCT/IPEA/409.
The annexes remains the same as included with the first issued IPEA409.

Regards,

Name and mailing address of the IPEA/



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Authorized officer

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